

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO: 1:23-cv-21065-ALTONAGA/Damian

JONATHAN CONDE BLACKBURN, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

CDJ OF 152ND ST MAIMI LLC d/b/a
CRAB DU JOUR, et. al.,

Defendants.

PLAINTIFF'S NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT

Plaintiff, JONATHAN CONDE BLACKBURN ("Plaintiff"), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 68 hereby accepts and provides notice that he has accepted the Rule 68 Offer of Judgment to Plaintiff served by Defendants, CDJ OF 152ND ST MIAMI LLC d/b/a CRAB DU JOUR, JONATHAN PAPAGNO, and YIHUA WENG, dated June 12, 2023. A copy of the Rule 68 Offer of Judgment to Plaintiff is attached hereto as **Ex. A**. The Rule 68 Offer of Judgment to Plaintiff is made to resolve "alleged unpaid minimum and overtime wages (and tips) under the FLSA and for unpaid minimum wages under the FMWA." *Id.*

Plaintiff requests for the Clerk to enter judgment in favor of Plaintiff, JONATHAN CONDE BLACKBURN, and against Defendants, CDJ OF 152ND ST MIAMI, LLC, YIHUA WENG, and JONATHAN PAPGNO, as to Counts I, II, III, IV, V, VI, VII, VIII, IX, and XI of the Plaintiff's operative Complaint.¹

Dated this 14th of June 2023.

¹ The Rule 68 Offer of Judgment is completely silent as to the FLSA Retaliation claim set forth within Count X of the operative Complaint. *See Ex. A*; D.E. 37, pp.56-57. No relief whatsoever has been offered by Defendants as it pertains to Count X and the FLSA Retaliation claim is therefore not mooted by Plaintiff's acceptance of the Rule 68 Offer of Judgment. *See Utility Automation 2000, Inc. v. Choctawhatchee Elec. Co-Op., Inc.*, 298 F.3d 1238 (11th Cir. 2000) ("Rule 68 requires that the responsibility for clarity and precision in the offer must reside with the offeror"). Moreover, Plaintiff requests that this Honorable Court retain jurisdiction to adjudicate the Plaintiff's entitlement to attorney fees and costs per the terms of the Offer of Judgment served by Defendants.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed via CM/ECF on this 14th of
June 2023.

By: /s/ Jordan Richards
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